

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, September 25, 2017
City Council Chambers – 222 NE 2nd Avenue

PRESENT: Commissioners John Savory, Larry Boatright, John Serlet, Shawn Varwig, Tyler Hall, and Andrey Chernishov

ABSENT: Commissioners Derrick Mottern

STAFF: Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

OTHERS: Craig Galvin, Peter Hostetler, Bev Lyons

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm.

2. CITIZEN INPUT ON NON-AGENDA ITEMS

Peter Hostetler, Canby resident, discussed roads in the City that were owned by the County. He had an application where this was an issue. The County said they were not notified of the pre-application meeting. Months after that meeting he received information from the County stating the project could not happen as proposed because it did not follow County ordinances for S Redwood Street. Previously the County offered money to the City to take ownership of Redwood, but the City did not agree because the road did not meet City standards. He thought that was a shirking of City responsibility and left citizens subject to County ordinances as well as City ordinances on a street that was completely in the City limits. This had cost him extra time and money on this application. He thought they should look into the County roads in the City limits that should be City jurisdiction.

3. MINUTES

- a. Approval of Planning Commission Minutes – August 28, 2107 and September 11, 2017

Motion: A motion was made by Commissioner Hall and seconded by Commissioner Serlet to approve the August 28, 2017 and September 11, 2017 Planning Commission minutes. The motion passed 6/0.

4. NEW BUSINESS - None

5. PUBLIC HEARING

- a. Consider a request for a Minor Land Partition to create two parcels in the Sequoia Grove Industrial Park, 279 S Sequoia Parkway (**MLP 17-05 Craig Galvin/Jeff Gordon**).

Chair Savory opened the public hearing and read the hearing statement. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Bryan Brown, Planning Director, entered his staff report into the record. This was parcel 2 of the Sequoia Grove Industrial Park. The proposal was to partition the parcel into two parcels. One parcel

would be vacant, and the other would contain the Student Services bus barn for the School District and bus parking. This was a modification of the site and design review approved previously by the Planning Commission. A large building had been approved previously and could be built at any time. Staff added a condition that before development of that building on parcel 1 occurred, the traffic study needed to be updated because it did not account for the bus barn use. Parcel 2 did not have lot frontage on the public street and there were access easements where the existing road was located and utilities came through that area to serve parcel 2. There was a street tree demonstration project on Sequoia and some of those trees were still located along the frontage of this parcel. There was a condition that the applicant would make the street trees part of the landscape plan when parcel 1 developed. At this point, staff did not think any utility easements were necessary, however there was a condition that if a utility provider needed a parallel easement fronting Sequoia that would be granted. Staff made a point of reiterating that an additional driveway on Sequoia was not allowed. Any future development would use the existing shared access from the parcels.

Public Testimony:

Applicant: Craig Galvin, Sandy resident, said the lot that was being partitioned was created about a year ago. Unfortunately at that time this lot was not proposed to be part of the development otherwise it would have been partitioned last year. They had retrofitted the utilities to work for this land development. All of the utilities to serve parcel 2 were in place and the existing driveway was already in place. When parcel 1 was developed, the frontage improvements and street trees would be put in at that time. He requested approval of the partition.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve MLP 17-05 Craig Galvin/Jeff Gordon. The motion passed 6/0.

- b. Consider a request for a Minor Land Partition of 861 S Redwood St into three parcels and Lot Line Adjustment to the existing lot line between 861 & 853 S Redwood St (**MLP 17-06/LLA 17-02 Hostetler**).

Chair Savory opened the public hearing and read the hearing statement. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. Commissioner Varwig went to church with the applicant, but he did not think that would affect his decision. Commissioner Boatright drove by the sight several times a day.

Mr. Brown entered his staff report into the record. He reminded the Commission that they were reviewing both a minor land partition and lot line adjustment. There was development on two existing tax lots and the intent of the lot line adjustment was to divide the east and west property boundaries and to go around the existing home on the southern lot and provide the proper setbacks. The partition would divide the southern tax lot into three parcels, one of which had the existing home. There were easements along the eastern edge and the applicant was proposing to vacate a portion of those easements. The property had frontage on South Redwood Street, which was County jurisdiction. The applicant would be dealing with the County for making the necessary improvements to the street or paying a fee in lieu. The City owned 9th Avenue and because it was a local street classification and lower classification than Redwood, a collector street, the driveways for the three southern parcels would be located on 9th Avenue. The driveways were shown to have the proper spacing on 9th. The City Council recently passed an ordinance allowing for the rezoning of this property to R-1.5 so these lots could be created. Technically it did not go into effect for 30 days after approval, which was September 20. Street trees would be required along 9th Avenue and placed

carefully between the driveways. The applicant had the option of developing a street tree plan or paying a fee based on one tree per 30 linear feet of frontage. Staff would encourage doing a street tree plan. There was a condition for any utility easements that might be needed along Redwood Street or 9th Avenue. There was a condition indicating no driveways were allowed on Redwood. The two lots that were being created and were vacant were subject to the City's infill standards. The conditions of approval from the City Engineer had to be followed as well as the recommendations received from Clackamas County. Staff recommended approval of the application with conditions.

Applicant: Peter Hostetler, Canby resident, stated there was a shortage of R-1.5 lots in the City and this partition would create more. He had no problem with conforming to the County code. He had originally submitted a subdivision and the north lot was going to be divided as well. The current house on the northern lot had a driveway onto Redwood that he wanted to maintain. The County said if it was going to be developed into a subdivision no access would be allowed on Redwood and all would have to be on 9th. The subdivision could not be done because he could not eliminate the access on Redwood for the northern lot. He would eventually partition the northern lot to have two lots, and would be able to retain the access on Redwood. It would achieve the same end, but would be a much lengthier process.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Hall to approve MLP 17-06/LLA 17-02 Hostetler. The motion passed 6/0.

6. FINAL DECISIONS

- **MLP 17-05 Craig Galvin/Jeff Gordon**

Motion: A motion was made by Commissioner Hall and seconded by Commissioner Serlet to approve the Final Findings for MLP 17-05 Craig Galvin/Jeff Gordon. The motion passed 6/0.

- **MLP 17-06/LLA 17-02 Hostetler**

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve the Final Findings for MLP 17-06/LLA 17-02 Hostetler. The motion passed 6/0.

7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. Next Planning Commission Meeting scheduled for October 9, 2017
 - S Ivy Park Subdivision and Zone Change
 - Sprague The Seven Acres Subdivision – Oct. 23, 2017

Mr. Brown discussed items on upcoming meetings.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

There was discussion regarding the S Redwood Street jurisdiction issue.

Mr. Brown said the City Administrator had prioritized taking over the jurisdiction of S Fir Street and planned to work on others in the future. The City did not take the County's offer for S Redwood because the amount the County offered did not come close to the cost the City would incur to improve and maintain the road. There was a street

maintenance fee and in time the City would be able to take over some of these County streets.

Commissioner Serlet asked how they could annex property from the County, but not roads. Mr. Brown responded they were separate actions for annexation and changing jurisdiction of the streets. There was an Intergovernmental Agreement between the City and County for the jurisdiction of the streets and how the County had to provide a two inch overlay before the City took jurisdiction over a street. The County had been unable to do that until this year. There might be more progress in the future.

Commissioner Chernishov said in his experience cities did not take jurisdiction over county roads due to the future costs of maintaining those roads.

Chair Savory said that was a dilemma because the roads get worse and worse as no one was maintaining them. Also as areas on Redwood were developed, developers were not required to improve the road.

Mr. Brown said it was an important issue. There were many streets in this situation, and occasionally staff missed notifying the County on applications.

9. ADJOURNMENT

Chair Savory adjourned the meeting at 7:50 pm.